

“ESSENTIAL BUSINESSES”

As defined in orders issued on March 31, 2020, by Bay Area counties to, in part, impose additional COVID-19-related restrictions on construction activities

For purposes of the Orders, “Essential Businesses” are:

- (i) Healthcare Operations and businesses that operate, maintain, or repair Essential Infrastructure;
- (ii) Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of unprepared food, canned food, dry goods, non-alcoholic beverages, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, as well as hygienic products and household consumer products necessary for personal hygiene or the habitability, sanitation, or operation of residences (including establishments that sell multiple categories of products provided that they sell a significant amount of essential products identified in this subparagraph, such as liquor stores that also sell a significant amount of food);
- (iii) Food cultivation, including farming, livestock, and fishing;
- (iv) Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- (v) Construction, but only of the types listed in this subparagraph below:
 - A. Projects immediately necessary to the maintenance, operation, or repair of Essential Infrastructure;
 - B. Projects associated with Healthcare Operations, including creating or expanding Healthcare Operations, provided that such construction is directly related to the COVID-19 response;
 - C. Affordable housing that is or will be income-restricted, including multi-unit or mixed-use developments containing at least 10% income-restricted units;
 - D. Public works projects if specifically designated as an Essential Governmental Function by the lead governmental agency;
 - E. Shelters and temporary housing, but not including hotels or motels;
 - F. Projects immediately necessary to provide critical non-commercial services to individuals experiencing homelessness, elderly persons, persons who are economically disadvantaged, and persons with special needs;
 - G. Construction necessary to ensure that existing construction sites that must be shut down under this Order are left in a safe and secure manner, but only to the extent necessary to do so; and

- H. Construction or repair necessary to ensure that residences and buildings containing Essential Businesses are safe, sanitary, or habitable to the extent such construction or repair cannot reasonably be delayed;
- (vi) Newspapers, television, radio, and other media services;
 - (vii) Gas stations and auto-supply, auto-repair (including, but not limited to, for cars, trucks, motorcycles and motorized scooters), and automotive dealerships, but only for the purpose of providing auto-supply and auto-repair services (and not, by way of example, car sales or car washes). This subparagraph (vii) does not restrict the on-line purchase of automobiles if they are delivered to a residence or Essential Business;
 - (viii) Bicycle repair and supply shops;
 - (ix) Banks and related financial institutions;
 - (x) Service providers that enable residential transactions (including rentals, leases, and home sales), including, but not limited to, real estate agents, escrow agents, notaries, and title companies, provided that appointments and other residential viewings must only occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit (except that in person visits are not allowed when the occupant is still residing in the residence);
 - (xi) Hardware stores;
 - (xii) Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the habitability, sanitation, and operation of residences and Essential Businesses, but not for cosmetic or other purposes;
 - (xiii) Arborists, landscapers, gardeners, and similar service professionals, but only to the limited extent necessary to maintain the habitability, sanitation, operation of businesses or residences, or the safety of residents, employees, or the public (such as fire safety or tree trimming to prevent a dangerous condition), and not for cosmetic or other purposes (such as upkeep);
 - (xiv) Businesses providing mailing and shipping services, including post office boxes;
 - (xv) Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
 - (xvi) Laundromats, drycleaners, and laundry service providers;
 - (xvii) Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

- (xviii) Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains;
- (xix) Businesses that supply other Essential Businesses with the support or supplies necessary to operate, but only to the extent that they support or supply these Essential Businesses. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts;
- (xx) Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to residences or businesses. This exemption shall not be used to allow for manufacturing or assembly of non-essential products or for other functions besides those necessary to the delivery operation;
- (xxi) Airlines, taxis, rental car companies, rideshare services (including shared bicycles and scooters), and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- (xxii) Home-based care for seniors, adults, children, and pets;
- (xxiii) Residential facilities and shelters for seniors, adults, and children;
- (xxiv) Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally required activities;
- (xxv) Services to assist individuals in finding employment with Essential Businesses;
- (xxvi) Moving services that facilitate residential or commercial moves that are allowed under this Order;
- (xxvii) Childcare facilities providing services that enable owners, employees, volunteers, and contractors for Essential Businesses, Essential Governmental Functions, or Minimum Basic Operations to work as allowed under this Order. Children of owners, employees, volunteers, and contractors who are not exempt under this Order may not attend childcare facilities. To the extent possible, childcare facilities must operate under the following conditions:
 - A. Childcare must be carried out in stable groups of 12 or fewer (“stable” means that the same 12 or fewer children are in the same group each day).
 - B. Children shall not change from one group to another.
 - C. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
 - D. Childcare providers shall remain solely with one group of children.